

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

PAUL MARK DE LA O JR.,

Plaintiff,

v.

No. 2:21-cv-00799-MV-GBW

WHITE HOUSE and JOE BIDEN,

Defendants.

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

**THIS MATTER** comes before the Court on *pro se* Plaintiff's Amended Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, Doc. 8, filed August 31, 2021 ("Amended Complaint").

United States Magistrate Judge Gregory B. Wormuth notified Plaintiff that the original Complaint should be dismissed for failure to state a claim upon which relief can be granted, stating:

Allegations that a defendant is "promoting" information or that a defendant failed to "dispute" such information, without more, are insufficient to state a claim. "[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant's action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated." *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007).

Doc. 7, filed August 25, 2021. Judge Wormuth ordered Plaintiff to file an amended complaint.

Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted.

Plaintiff alleges:

Joe Biden & the White House are guilty of psychologically abusing me, physically abusing me, invasion of privacy, spiritually abusing me, & treason! Their actions include & not limited to: inflicting on my mental health, physically endangering my life, sacrilegiously speaking on my religious beliefs, spreading (failure to contain) COVID-19 & continuously making it worse, & political betrayal. The White House & Biden contributing to the spread of COVID-19 (corona virus) across the country!

...


Biden & the White House is guilty of violating my second ammendment constitutional rights to bear arms as they continuously enforce & push ideas of gun control.

...

Biden & the White House is guilty of violating my 5th ammendment constitutional rights to refuse treatment as they continue to enforce & push ideas of mandated vaccinations for COVID-19. It is known how all vaccinations are proving inefficient & causing harmful side effects as COVID-19 cases are tripling & only continuously getting worse.

Amended Complaint at 2-4. Plaintiff attached 15 pages of additional conclusory allegations, such as “the White house is guilty of improperly handling all measures essential in implementing absolute assurance in overall effectiveness and safety prior to redistribution (vaccines),” and factual allegations regarding the number of people affected by the coronavirus, side effects of vaccines, and other issues. Amended Complaint at 7-21. None of the factual allegations supports Plaintiff’s conclusory allegations that Defendants violated Plaintiff’s rights. *See Nasious*, 492 F.3d at 1163 (“[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.”); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (“[C]onclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based . . . [and] in analyzing the sufficiency of the plaintiff’s complaint, the court need accept as true only the plaintiff’s well-pleaded factual contentions, not his conclusory allegations.”). The Court dismisses this case because Plaintiff’s Amended Complaint fails to state a claim upon which relief can be granted.

**IT IS ORDERED** that this case is **DISMISSED** without prejudice.

  
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MARTHA VAZQUEZ  
UNITED STATES DISTRICT JUDGE